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Attorneys at Law

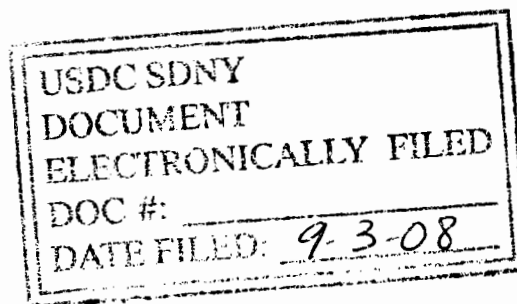
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August 29, 2008

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AND 1<sup>ST</sup> CLASS U.S. MAIL

The Honorable Jed S. Rakoff  
U.S. District Court Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 1340  
New York, NY 10007



Re: *Lemonik v. Sun Life Insurance & Annuity Company of New York*  
Case No.: 08-cv-0900 (JSR)  
Our File No.: 016621-29

Your Honor:

The parties have settled and resolved the above referred to case. The parties have agreed to a dismissal with prejudice with each party bearing their own fees and costs. The trial setting of September 8, 2008 may be vacated.

Please feel free to contact us should you have any questions.

Very truly yours,

OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART for Defendant  
Sun Life Insurance & Annuity Co. of NY

QUADRINO SCHWARTZ for Plaintiff  
Jack B. Lemonik

/s/ Eric P. Mathisen

/s/ Evan Schwartz

EPM/jla

6617312.1 (OGLETREE)

Check to enter judgment.  
SO ORDERED

JSR

8-29-08